

OCT 21 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSEPH R. THAMES,

Plaintiff - Appellant,

v.

DEBORAH Y. MILLER,

Defendant - Appellee.

No. 07-16061

D.C. No. CV-04-00644-DAE

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted July 29, 2009^{**}

Before: BEEZER, HALL and T.G. NELSON, Circuit Judges.

Plaintiff Joseph R. Thames appeals pro se from the district court's final judgment denying his claims for breach of contract and breach of the duty of good faith and fair dealing. We have jurisdiction under 28 U.S.C. § 1291. We affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The facts of the case are known to the parties and we do not repeat them here.

Because Thames does not present any arguments challenging the district court's denial of his claims for breach of contract and breach of the duty of good faith and fair dealing, Thames has waived appellate review. *See Doty v. County of Lassen*, 37 F.3d 540, 548 (9th Cir. 1994).

We grant Thames' motion to amend his opening brief.

AFFIRMED.